

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JAMES D. ABNEY, JR.

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CRIMINAL NO. 1:CR-07-222

(Judge Rambo)

MEMORANDUM

Before the court is Defendant's motion for amended judgment.

Defendant cites United States Sentencing Guideline (USSG) 561.3(b)(1)(2) for the authority for this relief. Defendant seeks to have his sentence reduced to account for his federal custody from June 19, 2007 to July 16, 2008.

USSG 561.3(b)(1)(2) does not authorize this court to correct or amend a judgment of sentence. Correcting or reducing a sentence is governed by Federal Rule of Criminal Procedure 35(a) which provides: "within 15 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error."

Defendant was sentenced on July 16, 2008. His motion is clearly untimely and will be denied.

s/Sylvia H. Rambo
United States District Judge

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ORDER

For the reasons stated in the accompanying memorandum, **IT IS
HEREBY ORDERED THAT** the motion to amend judgment (doc. 59) is **DENIED.**

s/Sylvia H. Rambo
United States District Judge

Dated: August 11, 2010.